

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DEMETRICE NORWOOD,
by his next friend and mother,
LINDA REDDEN,**

Plaintiff,

v.

**WEXFORD HEALTH SOURCES, INC.,
et al.,**

Defendants.

Case No. 08-cv-599-DRH

ORDER

HERNDON, Chief Judge:

For purposes of case management, the Court acknowledges that on November 11, 2009, defendant Mearl Justus filed a Statement Noting a Party's Death (Doc. 34), which notes the death of defendant Brenda Cole (named in the suit as "Lieutenant Cole") during the pendency of this action. **Federal Rule of Civil Procedure 25(a)** provides that a motion for substitution of party must be made within 90 days of the service of a statement noting a party's death.

Accordingly, any and all Parties to this case shall have 90 days from the date of service of said Statement Noting a Party's Death (Doc. 34) to file a motion for substitution of defendant Brenda Cole (a.k.a. "Lieutenant Cole"). If no motion is

timely filed, Plaintiff's claims against defendant Cole shall be dismissed with prejudice.

IT IS SO ORDERED.

Signed this 13th day of November, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**